

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**UNITED SERVICES AUTOMOBILE
ASSOCIATION**

v.

PNC BANK N.A.

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**CIVIL ACTION NOS. 2:21-CV-00246-JRG
2:22-CV-00193-JRG**

**MINUTES FOR JURY TRIAL DAY NO. 4
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
September 15, 2022**

OPEN: 08:45 AM

ADJOURN: 06:26 PM

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANT: See attached

LAW CLERKS: Katie Albanese
Ryan Davies
Harris Huguenard

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

TIME	MINUTE ENTRY
08:45 AM	Court opened.
08:46 AM	Exhibits used prior day read into the record.
08:47 AM	Jury entered the courtroom.
08:48 AM	PNC rested its case-in-chief re: USAA patents.
08:48 AM	USAA offered no rebuttal witnesses.
08:49 AM	Court proceeded with second part of the trial re: PNC's patents against USAA.
08:49 AM	PNC's case-in-chief against USAA:
08:49 AM	Witness sworn. Direct examination of Mr. Sergiy Marburger by Mr. Mueller.
09:22 AM	Cross examination of Mr. Sergiy Marburger by Ms. Glasser.
09:33 AM	Redirect examination of Mr. Sergiy Marburger by Mr. Mueller.
09:38 AM	Recross examination of Mr. Sergiy Marburger by Ms. Glasser.
09:40 AM	Completion of testimony of Mr. Sergiy Marburger.
09:40 AM	Witness previously sworn. Direct examination of Mr. David Peterson by Mr. Lantier.
10:16 AM	Bench conference.
10:18 AM	Bench conference concluded.
10:19 AM	Continuation direct examination of Mr. David Peterson by Mr. Lantier.

TIME	MINUTE ENTRY
10:34 AM	Jury recessed for break.
10:35 AM	Recess.
10:52 AM	Court reconvened.
10:53 AM	Jury returned to courtroom.
10:54 AM	Cross examination of Mr. David Peterson by Mr. Sheasby.
11:14 AM	Bench conference.
11:16 AM	Bench conference concluded.
11:16 AM	Continuation cross examination of Mr. David Peterson by Mr. Sheasby.
11:19 AM	Redirect examination of Mr. David Peterson by Mr. Lantier.
11:21 AM	Completion of testimony of Mr. David Peterson.
11:21 AM	Witness previously sworn. Direct examination of Dr. Chris Vellturo by Ms. Smith.
11:41 AM	Cross examination of Dr. Chris Vellturo by Ms. Glasser.
11:45 AM	Courtroom sealed.
11:47 AM	Off the record.
11:47 AM	On the record.
11:48 AM	Courtroom unsealed.
11:48 AM	Continuation cross examination of Dr. Chris Vellturo by Ms. Glasser.
11:51 AM	Redirect examination of Dr. Chris Vellturo by Ms. Smith.
11:53 AM	Recross examination of Dr. Chris Vellturo by Ms. Glasser.
11:54 AM	Additional redirect examination of Dr. Chris Vellturo by Ms. Smith.
11:55 AM	Completion of testimony of Dr. Chris Vellturo.
11:55 AM	PNC rested its case-in-chief against USAA.
11:56 AM	Jury recessed for lunch.
11:57 AM	Recess.
12:50 PM	Court reconvened.
12:52 PM	Jury returned to courtroom.
12:54 PM	USAA's case-in-chief re: PNC patents.
12:55 PM	Witness previously sworn. Direct examination of Mr. Chris Wilkinson by Mr. Sheasby.
01:00 PM	Bench conference.
01:01 PM	Bench conference concluded.
01:01 PM	Continuation direct examination of Mr. Chris Wilkinson by Mr. Sheasby.
01:22 PM	Bench conference.
01:22 PM	Bench conference concluded.
01:22 PM	Continuation direct examination of Mr. Chris Wilkinson by Mr. Sheasby.
01:25 PM	Cross examination of Mr. Chris Wilkinson by Mr. Mueller.
01:51 PM	Bench conference.
01:54 PM	Bench conference concluded.
01:54 PM	Continuation cross examination of Mr. Chris Wilkinson by Mr. Mueller.
02:03 PM	Redirect examination of Mr. Chris Wilkinson by Mr. Sheasby.
02:05 PM	Completion of testimony of Mr. Chris Wilkinson.
02:05 PM	Witness sworn. Direct examination of Professor Sam Malek by Ms. Carson.
03:00 PM	Jury recessed for break.
03:01 PM	Recess.
03:18 PM	Court reconvened.

TIME	MINUTE ENTRY
03:18 PM	Jury returned to courtroom.
03:19 PM	Cross examination of Professor Sam Malek by Mr. Lantier.
03:42 PM	Bench conference.
03:52 PM	Bench conference concluded.
03:52 PM	Continuation cross examination of Professor Sam Malek by Mr. Lantier.
04:00 PM	Redirect examination of Professor Sam Malek by Ms. Carson.
04:07 PM	Recross examination of Professor Sam Malek by Mr. Lantier.
04:12 PM	Completion of testimony of Professor Sam Malek.
04:12 PM	Bench conference.
04:13 PM	Bench conference concluded.
04:13 PM	Ms. Carson introduced the video deposition of Mr. Roberto Capriotti.
04:16 PM	Video deposition of Mr. Roberto Capriotti concluded.
04:16 PM	USAA rested its case-in-chief re: PNC patents.
04:16 PM	Direct examination of PNC's rebuttal witness, Mr. David Peterson by Mr. Lantier.
04:21 PM	Cross examination of PNC's rebuttal witness, Mr. David Peterson by Mr. Sheasby.
04:34 PM	Redirect examination of PNC's rebuttal witness, Mr. David Peterson by Mr. Lantier.
04:38 PM	Completion of testimony of Mr. David Peterson.
04:38 PM	PNC rested its rebuttal case re: PNC's patents.
04:38 PM	Both sides rested.
04:39 PM	Court provided instructions to Jury.
04:41 PM	Jury excused for the remainder of the day to return tomorrow at 9:30 AM.
04:41 PM	Court will take up Rule 50(a) motions following recess.
04:42 PM	Informal charge conference to be held in chambers (off the record) following hearing on Rule 50(a) motions.
04:44 PM	Recess.
05:13 PM	Court reconvened.
05:14 PM	Court took up Rule 50(a) motions.
05:14 PM	Court provided instruction to the parties re: hearing of Rule 50(a) motions.
05:26 PM	Court began hearing argument on Rule 50(a) motions.
06:21 PM	Arguments concluded.
06:21 PM	Court made rulings on Rule 50(a) motions as set forth in the record.
06:26 PM	Completion of Rule 50(a) motions hearing.
06:26 PM	Informal charge conference to be held in chambers (off the record) following adjournment.
06:26 PM	Court adjourned.